

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 UNITED STATES OF AMERICA,  
5 Plaintiff,  
6 v.  
7 DARNELE NELSON,  
8 Defendant.

Case No. 2:16-CR-00165-KJD-CWH

**Findings Of Fact, Conclusions Of Law  
And Order**

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore,  
12 the Court finds that:

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14 1. The parties had previously tried and failed to resolve the matter by  
15 negotiation and believe that a contested revocation hearing may be required to resolve  
16 the matter. However, the government's LVMPD witnesses are unavailable on December  
17 7, 2021.

18 2. On or about August 5, 2020, Nelson was charged by indictment with  
19 violating 18 U.S.C. §§ 922g and 924(a)(2) -Prohibited Person Possessing a Firearm, case  
20 number 2:20-cr-195-APG-EJY, ECF 8. Nelson is presently at liberty pending trial, which  
21 is currently scheduled for April 25, 2022. 2:20-cr-195-APG-EJY.

22 3. Pending before that court is defendant's pretrial motion to dismiss the  
23 indictment and motion to suppress. 2:20-cr-195-APG-EJY, ECF 28 and 29. The  
24 defendant has asked for an evidentiary hearing on his motion to suppress. The parties in  
25 this matter want to wait until these motions are adjudicated in the 2020 case before  
26 engaging in a contested revocation hearing in this matter. The suppression hearing is

1 currently set for February 15, 2022. Accordingly, the parties ask that the Court continue  
2 the revocation hearing from its current setting to a date on or after March 15, 2022 to  
3 allow those motions to be adjudicated.

4 4. The defendant is not incarcerated and does not object to the continuance.

5 5. The additional time requested herein is not sought for purposes of delay,  
6 but merely to allow the parties sufficient time within which to adequately prepare for the  
7 revocation hearing and the government continuity of counsel. Additionally, denial of this  
8 request for continuance could result in a miscarriage of justice, and the ends of justice  
9 served by granting this request, outweigh the best interest of the public and the defendant  
10 in a speedy hearing.

11 6. This is the tenth stipulation to continue the revocation hearing.

12 **ORDER**

13 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
14 above-captioned matters, currently scheduled for December 7, 2021, be vacated and  
15 continued to a date and time convenient to this Court, that is Tuesday, March 1,  
16 2022, , at the hour of 9:30 a.m. (NO MORE CONTINUANCES)  
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20 DATED this 19th day of November, 2021.

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23 HONORABLE KENT J. DAWSON  
24 United States District Judge  
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